

**EMERGENCY WILD HORSE REMOVAL
HILL CREEK HERD MANAGEMENT AREA,
VERNAL FIELD OFFICE
EA Number UT-080-2002-0320**

1.0 Purpose of and Need for Action: The BLM Vernal Field Office (VFO) proposes to gather and remove excess¹ wild horses from of the Hill Creek Herd Management Area (HMA) and surrounding area to insure native rangelands and the conditions of wild horses are not adversely affected by the ongoing drought in the Uinta Basin. At the same time, BLM proposes to remove wild horses that have moved off the HMA onto adjoining private lands in response to the private landowner's request. The Hill Creek HMA is located about 40 miles south of the community of Ouray, in the center of the Uintah Basin, northeastern Utah (refer to Map 1).

The short-term purpose for this action is to mitigate ongoing impacts to the Hill Creek wild horses and their habitat associated with drought conditions and lack of sufficient and available forage and water.

1.1 Need for the Proposed Action:

1.1.1 Sustain Healthy Wild Horses: The VFO proposes to conduct an emergency gather of wild horses from the Hill Creek Herd Management Area (HMA), to insure continued healthy wild horses and their habitat in accordance with 43 CFR 4700.0-6(a). This regulation directs BLM to manage wild horses "...as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat.." Monitoring rangeland resources within the HMA reveal lower than normal precipitation, higher than normal temperatures, lack of current years vegetative growth. Together with monitoring of the herd animals BLM has

¹ "Excess" - as defined by the Wild Free-Roaming Horse and Burro Act of 1971, as amended, section 2(f), means wild free-roaming horses or burros (1) which have been removed from an area by the Secretary pursuant to application law or, (2) *which must be removed from an area in order to preserve and maintain a thriving natural ecological balance and multiple-use relationship in that area.* (emphasis added)

concluded that both the rangelands and the wild horses conditions have deteriorated and action is needed (Photos 1 and 2).

1.1.2 Sustain Healthy Rangelands: The VFO proposes to take appropriate measures to insure continued health and sustainability of native rangelands within the Hill Creek HMA and surrounding public lands in accordance with 43 CFR 4180.1(a). This regulation directs BLM to take appropriate action to ensure: “(a) Watersheds are in, or making significant progress toward, properly functioning physical condition, including their upland... components.... [and] (b) Ecological processes, including the hydrologic cycle, nutrient cycle, and energy flow, are maintained, or there is significant progress toward their attainment, in order to support healthy biotic populations and communities.”



Photo 1 - Typical rangeland condition on Wild Horse Bench.



Photo 2 - Hill Creek Mare in Henneke Condition Class 1 (very thin)

1.1.3 Remove Wild Horses from Private Lands: In accordance with 43 CFR 4720.2-1 the VFO also proposes to respond to a request from Alameda Ranches, a private landowner, to remove wild horses currently foraging on private lands on Willow Creek adjoining the HMA. Early depletion of forage and water resources within the HMA are causing some of the wild horses to alter their normal distribution patterns and increase their utilization of areas outside of the HMA boundaries. On May 30, 2002, the Vernal Field Office received a written request from Alameda Ranches to remove "...approximately 75 wild horses...[which] enter upon Alameda's deeded and leased land in Willow Creek..." (Refer to Appendix 1).

1.2 Scoping and Issue Identification:

1.2.1 Scoping: Internal scoping to identify issues and concerns relating to this proposal was conducted during the period August 26 - September 12, 2002. Although no formal public scoping was conducted, the Uintah County Commission; the Chairman, Northern Ute Tribe Business Committee; and, the Director, Northern Ute Tribe Wildlife Resources Department have been consulted and their issues and/or concerns incorporated into this document.

The focus of this assessment is on the emergency gather and removal actions as stated in the objectives above. Any issues/concerns relating to long-term changes in management of the herd or the designated Herd Management Area is outside the scope of this assessment. However, such issues and concerns are being considered in VFO's ongoing revision of its existing resource management plans. The new land use plan and its accompanying environmental impact statement are scheduled for completion in March, 2004.

As required by 43 CFR 4740.1(b), a public hearing was held October 12, 2001 in Vernal, Utah, at the Vernal City Office to discuss the use of helicopters and motorized vehicles in the management of Utah BLM's wild horses and burros. No issues or concerns were raised during this public hearing.

1.2.2 Issue Identification: Based on this scoping the following issues have been identified and are assessed in this document:

- Insure the health and safety of both wild horses and individuals involved with the gather and removal actions

- Insure continued health and viability of the Hill Creek Herd
- Insure continued healthy rangelands to provide for sustained wild horse habitat
- Minimize disruption of scheduled hunts in the Book Cliffs and Hill Creek areas
- Continued presence of wild horses on private agriculture fields are adversely affecting a private landowners' livestock operations
- Opportunity for local adoption of wild horses determined to be removed

1.3 Conformance with BLM Land Use Plans: The Proposed Action would be in conformance with the 1985 Book Cliffs Resource Management Plan. On page 45, the plan states wild horse habitat will be managed to support desired population levels at one herd location (Hill Creek), and goes on to assign a herd population of 195 animals.

1.4 Relationship to Statutes, Regulations, Policies and Plans: In accordance with the Interior Board of Land Appeals (IBLA), a directive has been issued that only excess wild horses may be removed in order to restore the range to a thriving natural ecological balance.

Wild horse management, including management of their habitat, are provided for in Public Law 92-195 (Wild and Free-roaming Horse and Burro Act of 1971, as amended, and the regulations as set out above. Alternative 1 would be consistent with 43 CFR 4720.2-1, referring to removal of trespass wild horses, but would not fully meet the requirements of 43 CFR 4180.1(a) or 43 CFR 4700.0-6(a). Alternative 2, No Action, would not be consistent with either the intent or direction of the above-referenced regulations, but like the other alternative and the Proposed Action would be in accordance with the National Environmental Policy Act (NEPA) and regulations and laws passed subsequently, including the Council on Environmental Quality (CEQ) regulations, U.S. Department of Interior (USDI) requirements, and guidelines listed in BLM Manual Handbook H-1790-1.

The Uintah County's General Plan declares a policy supporting traditional multiple use management of the public lands and defines multiple use as including, but not limited to, wildlife habitat and water resource development. Dealing specifically with wild horses the Plan, on page 39, declares: "Wild horse habitat will be managed to support desired populations levels in the Hill Creek Wild Horse Herd Management Area." Removal of excess wild horses would be consistent with the intent of this General Plan.

2.0 Proposed Action and Alternative(s):

2.1 Proposed Action: The BLM proposes to capture and permanently remove excess wild horses from the Hill Creek HMA as soon as feasible during the Fall of 2002. Weather permitting, and to the extent possible, gather actions would be conducted during the middle of the week, and between the first and last 3 days of scheduled hunts in the project area.

The project area would involve Townships 10-11 South, Ranges 18-20 East, and public lands and deeded private lands along Willow Creek in Townships 11-13 South, Ranges 20-21 East, SLB&M (refer to Map 1). Access to the trap sites and holding facility would be made using existing roads and two-tracks to the maximum extent possible. It may be necessary to travel off-road to access a preferred trap site; however, such placement would be held to a minimum. No surface blading would be conducted.

Priority gather actions would be targeted for privately-owned land along Willow Creek, outside the HMA (thus in trespass), and those areas likely to receive the greatest hunter pressure. BLM estimates that about 115 wild horses could be removed from these areas. Once these horses are gathered, BLM would gather and assess the physical condition of as many wild horses as possible within the project area. BLM estimates that as many as 165 wild horses could be gathered in this phase of the operation.

Wild horse conditions would be assessed using the established Henneke System as set out in current BLM Manuals (Rating Condition Classes being 1, poor, through 9, extremely fat). Wild horses assessed at Condition Class 4 (moderately thin) or better would be released back onto the HMA. A sufficient demographic representation of all age classes and both sexes would assure maximum diversity of those wild horses returned to the HMA. All wild horses gathered outside the HMA and those wild horses having conditions less than class 4 (thin, very thin and poor) would be permanently removed from the HMA and placed in either BLM's adoption pipeline or long-term holding facilities in accordance with BLM's established procedures.

For the purposes of this proposal, "gather and removal actions" include any one or a combination of wild horse capture techniques previously used, or which have been specifically authorized, to be used to capture wild horses and/or to facilitate the collection of wild horse herd data (for individual animals or whole populations) and/or to remove identified excess animals. Included with this would be sorting individuals as to their age, size, sex, temperament and/or physical condition.

Gather, care and feeding of wild horses and transportation of wild horses will be conducted under contract with one of the BLM's national contractors.

The contractor would provide a helicopter and pilot, the pilot would locate bands of wild horses and haze them into temporary trap sites constructed of metal panels. All trap sites would be located on public lands. To the extent possible, trap sites would be accessed via existing two-tracks and/or established roads. No off-road vehicle travel would be allowed in that portion of the Desolation Canyon BLM Wilderness Inventory Area, or on sites involving cultural resources, Native American religious concerns, sensitive plant populations, or within either riparian or floodplains. Traps would be strategically placed with wings attached to funnel the wild horses into the trap by helicopter. A “prada” or Judas horse would be placed in the wings to lure the wild horses into the trap. Wranglers would follow behind the wild horses and close the gate behind the horses as they move into the trap. “Snow fence” type material or burlap would be hung on the metal panels to provide increased visibility for wild horses moving into the trap.

Wild horses would be moved, via stock trailers, from the trap sites to a temporary holding facility located on BLM-administered lands in the NW4NW4 of section 11, Township 11 South, Range 20 East, SLB&M. All wild horses would be processed (assigned individual tag identification, collection of demographic information, determination of physical condition, blood drawn and collection of nasal swabs for testing, etc.) and determined for either adoption, off-site long-term retention or release as stated above. All wild horses removed from the project area would be transported to BLM’s Butterfield Canyon Regional Horse Facility, located in Herriman, Utah, where they would be further prepared for either adoption or long-term holding. BLM would not conduct a local adoption event for those wild horses determined for adoption; however, public interested in adopting should contact BLM’s Butterfield Facility. Horses determined to be released onto the HMA would be transported via stock trailer back to suitable sites well within the HMA.

Prior to their use in this operation, the contractor’s saddle and “prada” horses would be required to have current certificates of health and negative Coggins reports, and submit to nasal swabs to ascertain the presence of “strangles” an equine infectious virus. No domestic horse would be used in this operation that could not meet these health requirements.

Multiple trap sites may be used to capture wild horses. All trap sites would be placed on public lands, no trap sites would be located on private agricultural fields. No trap sites would be located on sites involving cultural resources, Native American religious concerns, sensitive plant populations, or within either riparian/floodplains or BLM’s Desolation Canyon Wilderness Re-inventory Area. Trap sites would be placed as close as possible to where the majority of the wild horses are located so as to minimize distances to move them to the trap. Whenever possible, capture sites would be located in previously disturbed areas. Additional criteria to be used for the selection of trap sites include accessibility to established roads and/or two-track trails, presence

of fences, potential aerial hazards, topography, as well as distance from sensitive resource values including, but not limited to, known raptor nests, cultural sites, sensitive plant populations, etc. The area within the wings would be cleared of any hazards, such as sharp protrusions or animal burrows that might cause injury to either horses or humans. Final trap sites would be selected on the day(s) of the gather in consultation with and approval of BLM, the pilot and contractor.

Wild horses would be allowed to set their own pace until they are within 1/4 mile of the trap. The physical condition of wild horses would determine how far they would be driven or moved to a trap site. This may make it necessary to move trap sites more often to prevent moving poor-conditioned horses too far and over-stressing them.. If bands must be brought long distances, they would be allowed time to rest along the way if needed. Wild horses would not be held overnight at a trap site, but would be transported to the holding facility to minimize stress. All vehicles used to transport wild horses would be inspected prior to their use to insure their safe operation.

The temporary holding facility would be constructed of metal panels with the number of pens of a size and configuration to accommodate the horses gathered, and provide efficiency of feeding and watering operations, and safe movement of wild horses while at the facility.

During capture operations, safety precautions would be taken to protect all personnel, animals, and property involved in the process from injury or damage. Only authorized personnel would be allowed on-site during the gather and initial activities at the temporary holding facility. Qualified first-aid practitioners also will be on-site to provide needed emergency medical treatment to any individuals involved with the gather/handling operations. A Utah-certified veterinarian will be on-site to conduct all tests and to provide any needed emergency medical treatment to any wild horse. Should it be necessary, any sick, lame or injured wild horses would be euthanized upon consultation with USDA/APHIS veterinarian and the contract veterinarian. If there is no alternative, a wild horse would be euthanized by trained and qualified personnel only. Any remains would be disposed of at the site in accordance with established procedures.

Any horses gathered having a brand or brands other than the BLM alpha angle free brand would be inspected by a State Brand Inspector and turned over to the State of Utah to be processed in accordance with state laws regarding stray livestock.

No hazardous material would be used, produced, transported or stored in conjunction with this Proposed Action. Small amounts of carefully managed chemicals may be used to treat sick or injured animals at the capture sites.

Upon completion of all activities associated with the Proposed Action, all trap sites and the holding facility would be dismantled and the sites reclaimed and/or revegetated as needed. As needed to obliterate off-road vehicle tracks created as a result of this operation, the following reclamation actions would be considered appropriate to prevent such tracks from being construed by the public as established roadways: Signs, physical barriers, and/or raking out to 100 feet from established roads and/or trails. Should reseeding be deemed appropriate, the following seed mixture would be broadcast and the sites dragged to cover the seed:

Galleta grass	<i>Hilaria jamesii</i>	6 lbs/ac/pure live seed
Shadscale	<i>Atriplex confertifolia</i>	10 “ ”
Four-wing saltbush	<i>Atriplex canescens</i>	8 “ ”

Reclamation of all disturbed sites would include follow-up monitoring to insure desired vegetation species recovery and production. If on disturbed sites associated with the gather and holding actions, invasive, non-native plant species are identified, BLM would control such species by applying the appropriate treatment methods, including chemical treatment and/or hand removal.

2.2 Alternative 1- Gather and Remove Only Wild Horses in Trespass: This alternative consists of gathering and removing only those wild horses found on private lands along Willow Creek in response to the private landowner’s request. Gather and removal actions would be the same as the Proposed Action. An estimated 75 wild horses could be removed. Excess wild horses would not be gathered and removed, but would be allowed to regulate their numbers naturally through predation, disease, and forage, water and space availability. Gather operations would continue at their current irregular intervals.

2.3 Alternative 2- No Action: This alternative consists of BLM taking no action either to remove trespass wild horses from private lands and/or excess wild horses. The wild horses would be allowed to regulate their numbers naturally through forage and water availability. Gather operations would continue at their current irregular intervals.

2.4 Alternatives Considered but Eliminated From Further Discussion: Trespass wild horses would be removed, but supplemental feeding and water hauling would be provided to sustain the remaining wild horse population on the HMA. This alternative was eliminated from further consideration due to the discussion of removing only the trespass wild horses (Alternative 1), the inability to achieve the objectives of this proposal and inconsistency with current direction and regulations regarding wild horse management. Further, the monetary costs

and impacts of hauling water and supplemental feeding over the long-term would be too great to justify.

3.0 Affected Environment

3.1 Critical Elements of the Human Environment: The following “critical elements of the human environment” are elements subject to the requirements specified in statute, regulation, or executive order that must be considered in all environmental assessment (BLM H-1790-1, Appendix 5). Table 1, below, identifies those critical elements determined by BLM to not be affected by either the Proposed Action or the alternatives. A rationale is provided for BLM’s determination, and as such are not analyzed further. Critical elements that may be affected are described in the affected environment and impacts on these elements are analyzed in detail in the environmental consequences section.

Table 1: Critical Elements of the Human Environment Determined to be Unaffected by the Alternatives

Element	Rationale
Air Quality	Dust is likely to occur during gathering operations, e.g., aerial operations, running horses, vehicle transport. These pollutant sources would cause only temporary and minimum quantities of dust emissions which are insufficient to exceed the current air quality standards.
Areas of Critical Environmental Concern	The project area does not involve any designated areas of critical environmental concern
Cultural and Paleontological Resources	Based on current data in the VFO and personal knowledge of the project area, the likelihood of either cultural or paleontological resources being adversely affected by any of the alternatives is highly remote. BLM’s commitment to conduct site-specific cultural surveys prior to setting up either a trap site or the temporary holding facility would insure any resources would be identified and avoided. As such both cultural and paleontological resources are cleared for this project. Refer to cultural/paleontological report dated September 11, 2002.
Environmental Justice	According to the EPA Region VIII, 1999, State of Utah, Environmental Justice Map, the region has been categorized as a minority population area of 50% or greater and poverty population area of 20% or greater. No minority or economically disadvantaged communities or populations are present which could be affected by the Proposed Action or alternatives.
Floodplain	Alameda Ranches’ agricultural fields are within the established floodplain for Willow Creek. However, trap sites would be placed on public lands in draws adjacent to these fields, but outside Willow Creek’s active floodplain. Therefore impacts to this floodplain from gathering actions would not occur.

Element	Rationale
Hazardous Wastes	No chemicals subject to SARA Title III in amounts greater than 10,000 pounds would be used. No extremely hazardous substances as defined in 40 CFR 355 in Threshold Planning Quantities would be used.
Invasive, Non-native Species	BLM would control such species as outlined in the Proposed Action.
Native American Religious Concerns	Areas and/or sites having Native American religious concerns would be avoided.
Native American Trust Resources	Neither the Proposed Action or any of the alternatives would adversely affect any Native American trust resources as the impacts associated with this project would be of a short duration and be temporary, and minor in nature.
Recreation	No developed recreation sites are located within the project area. As the Proposed Action would minimize gather actions during peak hunting periods, it is anticipated that hunter success would not be affected.
Sensitive Animal Species	<p>The Proposed Action would not have an effect on T&E or special status wildlife species due to the timing of the proposed project. Several raptor nests may be found in the project area, but Fall is the optimum time to avoid disruption of any breeding activities. Several passerine (song bird) and other migratory bird species associated with habitats found in the project area may be present, but as discussed above, Fall is the optimum time to avoid disruption of any of these species breeding activities. Winter migrating individuals would avoid concentrated gather activities. (Refer to the TES report dated August 11, 2002)</p> <p>Water Depletion: Water sources for wild horse gathering actions are considered to be non-depleting and therefore would not impact endangered fish.</p>
Sensitive Plant Species	The proposed project would have a “may affect, but not adversely affect” on the federally-listed plant <i>Schoenocrambe argillacea</i> , <i>S. suffrutescens</i> , and <i>Sclerocactus glaucus</i> and Federal candidate species <i>Penstemon grahamii</i> . Trap sites would be located outside of the populations and habitat for these plants. Herding routes to the traps sites would also be out of population and habitat areas. If horses do move into the plant areas, the groups would be small and not create large areas of trampling while they move across sites. The likelihood of horses crossing populations is low due to the location of the bands and the generally planned trapping sites being away from populations. The holding facility is not on suitable habitat for Special Status plants. No plants should be lost if herds cross populations due to the dormancy of the plants, dry conditions, and the unlikelihood of horses being herded in these areas. (Refer to the plant clearance report 02RMS/SSP#45, dated September 13, 2002, and Map 2).
Visual Resources	Integral vistas are not present. The project area is designated Visual Resources Management (VRM) Class III and IV. The Proposed Action and alternatives are in compliance with the VRM objectives.

Element	Rationale
Water Quality	<p>Surface: No lotic or lentic systems would be involved with either the Proposed Action or any alternative.</p> <p>Subsurface: Subsurface waters would not be involved with any of the alternatives.</p>

3.2 Farmlands, Prime/Unique: Alameda Ranches owns and leases from the Northern Ute Tribe lands along Willow Creek within the project area. These lands are managed as hay and croplands in support of their cattle operation in the area. Private boundary fences exist primarily along the east side of the Creek. Fences along the west side of the Creek are in fair to poor condition or do not exist. As a result, and due to the lack of sufficient forage and water availability on the HMA currently these agricultural lands are drawing wild horses off the HMA. Regular monitoring reveals a range of 25-130 wild horses could inhabit these private fields on a daily basis. Alameda Ranches is concerned that wild horse residing on their fields are adversely affecting their cattle operations.

3.3 Rangeland Health Standards: The Hill Creek HMA involves native rangeland communities of cool desert, mixed shrublands (including shadscale, sagebrush and black sage) and sage-juniper woodlands. The Uinta Basin, as well as large portions of the Intermountain West, is in the midst of a four-year drought. During Water Year 2002, the HMA received only 30-45% of average precipitation. As a result of this year's extreme dryness, coupled with below average moisture in the previous three years, annual production on native rangelands within the HMA have been seriously reduced. Little to no current year's grass and forb production was observed this year. As a result wildlife and wild horses on the HMA are over-utilizing existing vegetation. The result is the native rangeland is in fair to poor condition. Although no vegetation trend studies were conducted this year, best professional judgment indicates that the native vegetation is in a static to declining trend.

3.4 Wetlands/Riparian Zones: The HMA is bounded on the west by the Green River and on the east by Willow Creek. (Hill Creek runs through the middle of the HMA, but is totally Tribal property, this creek is outside the project area and is not discussed further.) The riparian areas associated with the Green River are composed of native and introduced vegetation consistent with the river corridor—greasewood, salt cedar, salt grass, rabbitbrush, white-top and cottonwood. Willow Creek's riparian areas are directly affected by irrigated agriculture fields. Non-agriculture vegetation along the creek consists of coyote willow, salt cedar, bluegrass or cultivar grass species.

3.5 Wild and Scenic Rivers: Although the Book Cliffs RMP does not address wild and scenic rivers, the VFO's other land use plan, the Diamond Mountain RMP (1994), recommends that the Green River, from Ouray south to the Uintah-Carbon county line, is suitable as a scenic river under Wild and Scenic Rivers Act. The RMP states in its decision SEA09 "In support of this decision, afford adequate protection, ...to those identified outstandingly remarkable values which determined the suitability classification...." Outstandingly remarkable values associated with this portion of the Green River involve recreation and endangered fish habitat. "This portion of the river is largely undeveloped and receives very little use" (*Diamond Mountain Resource Area RMP/Final EIS*, 1993, p. A7.24).

3.6 BLM Wilderness Inventory Areas: A portion of the Hill Creek HMA involves the Desolation Canyon WIA. The following description and values are presented.

3.6.1 Description: The WIA includes nine separate units, all contiguous to the Desolation Canyon WSA. The proposed project area would involve about 22,600 acres (about 4%) of the WIA, located in the northeastern unit, east of the Green River. The terrain varies greatly, from the Green River to mesas, ridges, plateaus, canyon, and deep remote drainages. Vegetation changes from riparian species along the river to pinyon-juniper woodlands and sagebrush communities at high elevations.

3.6.2. Naturalness: While there are scattered human imprints in this portion of the WIA, the individual and cumulative impact on the natural character is minor. The imprints are in various stages of rehabilitation, with most being substantially unnoticeable in the area as a whole. The expansive landscape, diverse topography, and vegetation screen the scattered human intrusions. Minor remnants of past oil and gas exploration, livestock grazing, and recreation pursuits remain, but most disturbance has been erased over time by the forces of wind, water, and vegetation regrowth.

3.6.3 Solitude: The WIA is of sufficient size and configuration to provide outstanding opportunities for solitude—a large, remote area where a visitor is truly isolated from the outside world. The vast size, configuration, numerous scenic vistas, diversity of vegetation, and rugged topography provide the visitor with numerous places and opportunities to become isolated from others. Most of the units are remote, accessible only by foot, horseback, or boat.

3.6.4 Primitive & Unconfined Recreation: Desolation Canyon WIA is contiguous to and is an extension of the Desolation Canyon WSA. It enhances the outstanding opportunities provided by the WSA, including multiple-day river float-bating trips in a primitive setting, hiking, hunting, horseback riding, backpacking, back-country camping, climbing, fishing,

swimming, photography, and viewing of cultural and historic sites, as well as a diversity of wildlife, nature study, and viewing of scenic landscapes. The large size and configuration of this vast wild area enhances the variety and extent of activities available.

3.6.5 Supplemental Values: The WIA contains cultural, scenic, geologic, botanical, and wildlife values. Vegetation and wildlife habitats and species vary within the WIA due to the diversity of terrain. These specific values are presented and assessed separately under their appropriate headings.

3.7 Hill Creek Wild Horse Herd: The Hill Creek Herd Area was designated a Herd Management Area in the Book Cliffs RMP 1985. This same land use plan assigned forage to support 195 wild horses (*Record of Decision and Rangeland Program Summary for the Book Cliffs Resource Management Plan*, 1985, page 45).

The Hill Creek HMA is “saddle-bagged” into a western and eastern portion with Hill Creek (totally Northern Ute Tribal property) bisecting the HMA roughly in half. Wild Horse Bench forms the western portion of the HMA and consists of about 24,145 acres. This portion supports an estimated population of about 110 wild horses. The Agency Draw drainage forms the eastern portion of the HMA and contains about 63,970 acres. The estimated wild horse population for this portion of the HMA is about 170, for an estimated total herd population of 280. Due to drought conditions, about 40 wild horses on the Wild Horse Bench portion have moved north, off the HMA. An estimated 75 wild horses on the Agency Draw portion have moved onto non-public lands along Willow Creek, also outside the HMA.

In 2001, lands within the northwest part, known as the Naval Oil Shale Number 2 (NOSR-2) lands, were returned to the Ute Tribe. Until that time, BLM managed the surface resources on these lands, including wild horses. The transfer provides for the Ute Tribe to manage, protect, and assert control over any horse not owned by the Tribe or tribal members that is located or found on the NOSR-2 land as well as the Extension area. The north boundary line of the NOSR-2 lands is unfenced. Some of the horses, particularly near the unfenced boundary line, go freely between NOSR-2 and public land which causes wild horses to intermingle with Tribal horses. The long-term management of the HMA is currently undergoing review and options are being developed in association with VFO’s ongoing revision of its resource management plans.

Some segments of the HMA boundary are fences; however, fences generally in need of maintenance or complete replacement. Thus, even in areas where fences exist, Tribal and wild horses intermingle.

The most recent field observations, conducted in August 2002, indicated that 111 wild horses are on the Wild Horse Bench portion of the HMA. BLM wild horse specialists could only assess the physical condition of 50% of these horses, and report that two-thirds of these horses range in Henneke condition classes between 1 (very thin) to 4 (moderately thin). At this time no heavy mares have been identified, foals of the year range in age from 6 to 3 months. Demographics of the herd is currently unknown, but such information would be a natural product resulting from the gather activities.

4.0 Environmental Consequences:

4.1 Proposed Action: The Proposed Action outlines specific actions that would minimize health and safety concerns of both humans and wild horses involved with the gather and removal actions. By conducting the gather actions along Willow Creek during mid-week, disruptions to scheduled hunter activities in the area would be substantially reduced, thus increasing their success opportunities and overall hunting satisfaction. For analysis purposes, it is estimated that about 150 wild horses could be removed from the project area, because of individual horses' poor physical condition and horses in trespass.

Removal of an estimated 150 wild horses would result in a 56% reduction of the herd's total population. Although this reduction is rather heavy, it is deemed necessary to ease the stress of ungulate utilization on desired native rangeland plant species. Reducing the present herd to those animals in Henneke Condition Class 4 or better affords the opportunity for horses in the best physical condition to face the oncoming winter. Also there would be sufficient horses remaining to maintain the herd's genetic diversity. It would also assure sustainability of the native rangeland plant species abundance and diversity within the HMA.

The Proposed Action would maximize opportunities to reduce grazing and browsing pressure on native rangeland vegetation. Utilization on native grasses and forbs would be lessened, affording such plants sufficient opportunity to rest and replenish carbohydrate reserves and to produce seed.

This alternative would successfully resolve the current trespass situation of wild horses foraging on private lands along Willow Creek. Farmland and associated riparian areas would also benefit from the total removal of trespass wild horses. Continued hay production and use of the hay stubble would ease the financial burden on Alameda Ranches who would not have to buy hay for its livestock. Riparian areas associated with the Creek and private lands would also have less use and disturbance due to foraging and trampling animals (domestic and wild). The Willow Creek floodplain would benefit from reduced ungulate utilization because topsoil and soil structure of

the floodplain would be stabilized due to continued sod-forming vegetation retention and production.

Only helicopter hazing would occur along the Green River corridor, would be temporary in nature and negligible in extent. Thus, wild and scenic river characteristics identified in the Diamond Mountain RMP would not be degraded so as to affect the potential of river segment to be included in the Wild and Scenic River System.

Implementation of the Proposed Action would result in impacts to the Desolation Canyon WIA that would be short-term and would not degrade wilderness characteristics so as to affect the potential of the WIA to be established as a Wilderness Study Area or Wilderness Area. No trap sites would be located within the WIA, no blading of the surface to bare ground would occur, vehicles used in conjunction with the project would be restricted to existing roads and/or trails, and no cross-country vehicle use would occur. The helicopter may haze wild horses from the WIA into traps located nearby on the HMA. Surface impacts include increased dust from animal movement and helicopter presence and noise within the WIA. As no roads would be constructed, the Proposed Action would not reduce the size of the WIA. Naturalness would not be degraded by the Proposed Action. Footprints by wild horses along established trails and/or overland in response to helicopter hazing would be temporary and negligible. Outstanding opportunities for solitude would be temporarily degraded during the time the helicopter is in the WIA. It is anticipated that the hazing helicopter would be in the WIA for two days. The hazing helicopter would create some noise for the short-term while the helicopter is within the WIA.. Existing noise levels in the WIA is estimated to range between 19-39 dBA. A helicopter could temporarily raise the existing “quiet” level to “moderate” to “very loud”, depending upon the distance from the helicopter and to a lesser extent, atmospheric conditions. Therefore, the use of a helicopter in the vicinity of the WIA for the time required to haze wild horses would degrade solitude and primitive and unconfined recreation for an estimated two days.

4.1.1 Mitigation Measures: The Proposed Action incorporates a tried and true set of standard operating procedures which have been developed over time. These procedures were developed as impacts were identified and represent the “best methods” for reducing impacts associated with gathering, handling, transporting and collecting wild horse herd data. No additional mitigation measures have been identified..

4.2 Alternative 1 Gather and Remove Only Wild Horses in Trespass: Concerns dealing with human and horse health and safety during the gather and removal operations for this alternative would be the same as identified with the Proposed Action. Conducting the gather action along Willow Creek during mid-week, any disruption to scheduled hunter activity in the

area would be substantially reduced, and like the Proposed Action would increase hunter success opportunities and overall hunting satisfaction.

This alternative could result in about 75 wild horses being removed, thus only a 28% reduction in the population. Under this alternative wild horses would not be removed from the native rangelands of the HMA. While this alternative would leave the greatest number of wild horses on the HMA, and thus continue the widest genetic diversity, the additional animals would continue to compound the effects of continued over-utilization on rangeland vegetation under stress due to drought. Such a situation would result in continued over-utilization of an already stressed native vegetation and would result in loss of desired plant species abundance and diversity, through either lowered overall production and/or death of plant individuals. Lacking in adequate quantities and quality of grass and forb species, wild horses would be forced to shift to a shrub and woody diet. Such usage would thus also affect browse species required of wildlife species. The combined effect of wild horses and wildlife browsing on shrubs and woody plant species would seriously affect these plant's ability to recover. Natural recovery from such a downward spiral of rangeland conditions and productivity would take years. Poor rangeland health would have direct adverse impacts on those wild horses remaining on the HMA. Wild horses in poor physical condition would have a difficult time surviving the oncoming winter. Those in the poorest condition would continue to decline and could possibly die. Pregnant mares surviving the winter would go into the foaling season in extremely poor condition with additional losses to both mares and foals. Loss of wild horses due to starvation would not be politically acceptable, nor would such a situation be consistent with the direction and intent of the Act or established policy and direction.

As with the Proposed Action, this alternative would resolve the current wild horse trespass situation and provide direct benefits to Alameda Ranches' farmland and the floodplain on Willow Creek. Special areas such as the Green River corridor and the uplands associated with the Desolation Canyon wilderness would not benefit from this alternative. Short-term and possible long-term impacts to vegetation communities in these areas could reduce the outstandingly remarkable supplemental values associated with the riparian vegetation which characterize these areas. Such impacts would be direct and last until such areas recover naturally. As there would be no need for the hazing helicopter to fly over the Desolation Canyon WIA, the temporary noise intrusions would not occur under this alternative.

4.2.1 Mitigation Measures: None.

4.3 Alternative 2 No Action: As no gather and/or removal actions would occur under this alternative, there would be no human and/or horse health and safety concerns associated with

such actions. This alternative would afford the greatest hunter satisfaction and opportunity for success as no disrupting activities associated with a gather would occur.

No wild horses would be removed under this alternative. Of the three alternatives presented, this alternative would result in the most negative impacts to both wild horses and native rangelands. The existing condition of too many mouths to feed on too little native feed would continue, to the detriment of both the wild horses and the rangelands on which they depend. It is quite possible that wild horses in the poorest condition would not survive the winter; although the exact number of loss can not be predicted. Surviving wild horses would continue to apply grazing stress to native rangelands, thus adversely affecting vegetation production and reproduction. Native rangelands could lose desired grass and forbs, increasing bare ground, reducing plant species diversity and overall health, creating opportunities for the invasion of unwanted, noxious plant species, thus moving the HMA's watershed's in a downward, and unacceptable, trend. Such a situation would be politically unacceptable and inconsistent with both the Act and the BLM's rangeland health standards. The ability of the native rangelands to fully recover and/or to regain its progress towards meeting the BLM's rangeland health standards would take years and, would be costly if revegetation actions are deemed necessary to avoid further rangeland deterioration.

The existing trespass situation would remain and open the BLM to legal challenge from the private landowner from failure to adhere to regulations dealing with trespass wild horses. Continued over utilization by wildlife, wild horses and cattle on private lands along Willow Creek would severely reduce the agriculture fields' productivity, causing Alameda Ranches to pay for hay to feed its cattle and to reseed their depleted fields.

Supplemental values associated with the Green River corridor and the BLM's Desolation Canyon WIA would be adversely affected. Vegetative cover and soil conditions would decline, thus lessening the public visitor's overall experience of and appreciation for the area. While the effects of this alternative would not be irreversible/irretrievable, the natural rate of recovery in these areas could take approximately 50 years.

4.3.1. Mitigation Measures: None

5.0 Cumulative Impacts: Ungulate use of the native rangelands would continue although at a reduced rate due to increased hunting pressure on Herd Units in the area and acceptance and implementation of either the Proposed Action or Alternative 1. A continuation of the current drought would further set back the desired condition and trend for the area; resulting in the need for further restrictions to management options.

6.0 Monitoring Plan: Monitoring procedures to address specific habitat variables have been established in the Bureau's 4400 series handbooks. These monitoring protocols are the accepted Bureau methodologies for collecting habitat-based information to determined achievement of habitat-based objectives and the standards for rangeland health as development by Utah BLM's Resource Advisory Council. These methodologies would continue to be used under all alternatives.

Species monitoring protocols and data collection methods have been established by equine professionals and researchers who initiated the first-round of these studies (animal handling techniques). Bureau practices are based on these procedures which are incorporated into the Proposed Action and Alternative 1 as animal handling techniques. These animals handling techniques would be sufficient to determine the short- and long-term effects of implementing the Proposed Action on wild horses.

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9.0 References:

Bureau of Land Management. 1994. *Diamond Mountain Resource Area Resource Management Plan and Record of Decision*. Vernal District Office. Vernal, Utah. pp. 180.

Bureau of Land Management. 1993. *Diamond Mountain Resource Area Resource Management Plan and Final EIS*. Vernal District Office. Vernal, Utah. pp. 340.

Bureau of Land Management. 1985. *Record of Decision and Rangeland Program Summary for the Book Cliffs Resource Management Plan*. 1985. Vernal District Office. Vernal, Utah. pp. 95.

Uintah County . 1996. *Uintah County Plan for Management of the Book Cliffs Resource Area*. Vernal, Utah. pp. 50.

9.0 Appendices:

Appendix 1 - Letter from Pruitt, Gushee & Bachtell, legal counsel for Alameda Corporation, dated 5/29/2002, requesting removal of wild horses from its private and deeded lands on Willow Creek.

Appendix 2 - Henneke Matrix to Assess Horse Physical Condition